

ASSEMBLY BILL

No. 2516

Introduced by Assembly Member Wood

February 19, 2016

An act to amend Section 19332 of the Business and Professions Code, relating to medical marijuana.

LEGISLATIVE COUNSEL'S DIGEST

AB 2516, as introduced, Wood. Medical marijuana: state cultivator license types: specialty cottage type.

The Medical Marijuana Regulation and Safety Act provides for the licensure and regulation of commercial activities relating to medical marijuana, and establishes various types of state cultivator licenses to be issued to qualified applicants by the Department of Food and Agriculture.

This bill would also provide for the issuance of a Type 1C, or “specialty cottage,” state cultivator license, as specified, by the Department of Food and Agriculture.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 19332 of the Business and Professions
- 2 Code, as added by Section 1 of Chapter 688 of the Statutes of
- 3 2015, is amended to read:
- 4 19332. (a) The Department of Food and Agriculture shall
- 5 promulgate regulations governing the licensing of indoor and
- 6 outdoor cultivation sites.

1 (b) The Department of Pesticide Regulation, in consultation
2 with the Department of Food and Agriculture, shall develop
3 standards for the use of pesticides in cultivation, and maximum
4 tolerances for pesticides and other foreign object residue in
5 harvested cannabis.

6 (c) The State Department of Public Health shall develop
7 standards for the production and labeling of all edible medical
8 cannabis products.

9 (d) The Department of Food and Agriculture, in consultation
10 with the Department of Fish and Wildlife and the State Water
11 Resources Control Board, shall ensure that individual and
12 cumulative effects of water diversion and discharge associated
13 with cultivation do not affect the instream flows needed for fish
14 spawning, migration, and rearing, and the flows needed to maintain
15 natural flow variability.

16 (e) The Department of Food and Agriculture shall have the
17 authority necessary for the implementation of the regulations it
18 adopts pursuant to this chapter. The regulations shall do all of the
19 following:

20 (1) Provide that weighing or measuring devices used in
21 connection with the sale or distribution of medical cannabis are
22 required to meet standards equivalent to Division 5 (commencing
23 with Section 12001).

24 (2) Require that cannabis cultivation by licensees is conducted
25 in accordance with state and local laws related to land conversion,
26 grading, electricity usage, water usage, agricultural discharges,
27 and similar matters. Nothing in this chapter, and no regulation
28 adopted by the ~~department~~, *Department of Food and Agriculture*,
29 shall be construed to supersede or limit the authority of the State
30 Water Resources Control Board, regional water quality control
31 boards, or the Department of Fish and Wildlife to implement and
32 enforce their statutory obligations or to adopt regulations to protect
33 water quality, water supply, and natural resources.

34 (3) Establish procedures for the issuance and revocation of
35 unique identifiers for activities associated with a cannabis
36 cultivation license, pursuant to Article 8 (commencing with Section
37 19337). All cannabis shall be labeled with the unique identifier
38 issued by the Department of Food and Agriculture.

1 (4) Prescribe standards, in consultation with the bureau, for the
2 reporting of information as necessary related to unique identifiers,
3 pursuant to Article 8 (commencing with Section 19337).

4 (f) The Department of Pesticide Regulation, in consultation with
5 the State Water Resources Control Board, shall promulgate
6 regulations that require that the application of pesticides or other
7 pest control in connection with the indoor or outdoor cultivation
8 of medical cannabis meets standards equivalent to Division 6
9 (commencing with Section 11401) of the Food and Agricultural
10 Code and its implementing regulations.

11 (g) State cultivator license types issued by the Department of
12 Food and Agriculture include:

13 (1) Type 1, or “specialty outdoor,” for outdoor cultivation using
14 no artificial lighting of less than or equal to 5,000 square feet of
15 total canopy size on one premises, or up to 50 mature plants on
16 noncontiguous plots.

17 (2) Type 1A, or “specialty indoor,” for indoor cultivation using
18 exclusively artificial lighting of less than or equal to 5,000 square
19 feet of total canopy size on one premises.

20 (3) Type 1B, or “specialty mixed-light,” for cultivation using a
21 combination of natural and supplemental artificial lighting at a
22 maximum threshold to be determined by the licensing authority,
23 of less than or equal to 5,000 square feet of total canopy size on
24 one premises.

25 (4) *Type 1C, or “specialty cottage,” for cultivation using a*
26 *combination of natural and supplemental artificial lighting at a*
27 *maximum threshold to be determined by the licensing authority,*
28 *of 2,500 square feet or less of total canopy size for outdoor*
29 *cultivation, or 500 square feet or less of total canopy size for*
30 *indoor cultivation, on one premises.*

31 ~~(4)~~

32 (5) Type 2, or “small outdoor,” for outdoor cultivation using
33 no artificial lighting between 5,001 and 10,000 square feet,
34 inclusive, of total canopy size on one premises.

35 ~~(5)~~

36 (6) Type 2A, or “small indoor,” for indoor cultivation using
37 exclusively artificial lighting between 5,001 and 10,000 square
38 feet, inclusive, of total canopy size on one premises.

39 ~~(6)~~

(7) Type 2B, or “small mixed-light,” for cultivation using a combination of natural and supplemental artificial lighting at a maximum threshold to be determined by the licensing authority, between 5,001 and 10,000 square feet, inclusive, of total canopy size on one premises.

~~(7)~~

(8) Type 3, or “outdoor,” for outdoor cultivation using no artificial lighting from 10,001 square feet to one acre, inclusive, of total canopy size on one premises. The Department of Food and Agriculture shall limit the number of licenses allowed of this type.

~~(8)~~

(9) Type 3A, or “indoor,” for indoor cultivation using exclusively artificial lighting between 10,001 and 22,000 square feet, inclusive, of total canopy size on one premises. The Department of Food and Agriculture shall limit the number of licenses allowed of this type.

~~(9)~~

(10) Type 3B, or “mixed-light,” for cultivation using a combination of natural and supplemental artificial lighting at a maximum threshold to be determined by the licensing authority, between 10,001 and 22,000 square feet, inclusive, of total canopy size on one premises. The Department of Food and Agriculture shall limit the number of licenses allowed of this type.

~~(10)~~

(11) Type 4, or “nursery,” for cultivation of medical cannabis solely as a nursery. Type 4 licensees may transport live plants.

SEC. 2. Section 19332 of the Business and Professions Code, as added by Section 13 of Chapter 719 of the Statutes of 2015, is amended to read:

19332. (a) The Department of Food and Agriculture shall promulgate regulations governing the licensing of indoor and outdoor cultivation sites.

(b) The Department of Pesticide Regulation, in consultation with the Department of Food and Agriculture, shall develop standards for the use of pesticides in cultivation, and maximum tolerances for pesticides and other foreign object residue in harvested cannabis.

(c) The State Department of Public Health shall develop standards for the production and labeling of all edible medical cannabis products.

(d) The Department of Food and Agriculture, in consultation with the Department of Fish and Wildlife and the State Water Resources Control Board, shall ensure that individual and cumulative effects of water diversion and discharge associated with cultivation do not affect the instream flows needed for fish spawning, migration, and rearing, and the flows needed to maintain natural flow variability.

(e) The Department of Food and Agriculture shall have the authority necessary for the implementation of the regulations it adopts pursuant to this chapter. The regulations shall do all of the following:

(1) Provide that weighing or measuring devices used in connection with the sale or distribution of medical cannabis are required to meet standards equivalent to Division 5 (commencing with Section 12001).

(2) Require that cannabis cultivation by licensees is conducted in accordance with state and local laws related to land conversion, grading, electricity usage, water usage, agricultural discharges, and similar matters. Nothing in this chapter, and no regulation adopted by the ~~department~~, *Department of Food and Agriculture*, shall be construed to supersede or limit the authority of the State Water Resources Control Board, regional water quality control boards, or the Department of Fish and Wildlife to implement and enforce their statutory obligations or to adopt regulations to protect water quality, water supply, and natural resources.

(3) Establish procedures for the issuance and revocation of unique identifiers for activities associated with a cannabis cultivation license, pursuant to Article 8 (commencing with Section 19337). All cannabis shall be labeled with the unique identifier issued by the Department of Food and Agriculture.

(4) Prescribe standards, in consultation with the bureau, for the reporting of information as necessary related to unique identifiers, pursuant to Article 8 (commencing with Section 19337).

(f) The Department of Pesticide Regulation, in consultation with the State Water Resources Control Board, shall promulgate regulations that require that the application of pesticides or other pest control in connection with the indoor or outdoor cultivation of medical cannabis meets standards equivalent to Division 6 (commencing with Section 11401) of the Food and Agricultural Code and its implementing regulations.

(g) State cultivator license types issued by the Department of Food and Agriculture include:

(1) Type 1, or “specialty outdoor,” for outdoor cultivation using no artificial lighting of less than or equal to 5,000 square feet of total canopy size on one premises, or up to 50 mature plants on noncontiguous plots.

(2) Type 1A, or “specialty indoor,” for indoor cultivation using exclusively artificial lighting of less than or equal to 5,000 square feet of total canopy size on one premises.

(3) Type 1B, or “specialty mixed-light,” for cultivation using a combination of natural and supplemental artificial lighting at a maximum threshold to be determined by the licensing authority, of less than or equal to 5,000 square feet of total canopy size on one premises.

(4) Type 1C, or “specialty cottage,” for cultivation using a combination of natural and supplemental artificial lighting at a maximum threshold to be determined by the licensing authority, of 2,500 square feet or less of total canopy size for outdoor cultivation, or 500 square feet or less of total canopy size for indoor cultivation, on one premises.

~~(4)~~
(5) Type 2, or “small outdoor,” for outdoor cultivation using no artificial lighting between 5,001 and 10,000 square feet, inclusive, of total canopy size on one premises.

~~(5)~~
(6) Type 2A, or “small indoor,” for indoor cultivation using exclusively artificial lighting between 5,001 and 10,000 square feet, inclusive, of total canopy size on one premises.

~~(6)~~
(7) Type 2B, or “small mixed-light,” for cultivation using a combination of natural and supplemental artificial lighting at a maximum threshold to be determined by the licensing authority, between 5,001 and 10,000 square feet, inclusive, of total canopy size on one premises.

~~(7)~~
(8) Type 3, or “outdoor,” for outdoor cultivation using no artificial lighting from 10,001 square feet to one acre, inclusive, of total canopy size on one premises. The Department of Food and Agriculture shall limit the number of licenses allowed of this type.

~~(8)~~

1 (9) Type 3A, or “indoor,” for indoor cultivation using
2 exclusively artificial lighting between 10,001 and 22,000 square
3 feet, inclusive, of total canopy size on one premises. The
4 Department of Food and Agriculture shall limit the number of
5 licenses allowed of this type.

6 ~~(9)~~

7 (10) Type 3B, or “mixed-light,” for cultivation using a
8 combination of natural and supplemental artificial lighting at a
9 maximum threshold to be determined by the licensing authority,
10 between 10,001 and 22,000 square feet, inclusive, of total canopy
11 size on one premises. The Department of Food and Agriculture
12 shall limit the number of licenses allowed of this type.

13 ~~(10)~~

14 (11) Type 4, or “nursery,” for cultivation of medical cannabis
15 solely as a nursery. Type 4 licensees may transport live plants.